

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 23, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the special and use permits.

P.A.S.: Change of Zone #04039 from H-4 to B-5
Special Permit #2046A for Planned Service Commercial in H-4
Use Permit #150A - Appian Way Phase II

PROPOSAL: To increase the area zoned B-5 from 35.91 acres to 44.85 acres, and reduce the area zoned H-4 from 17.61 acres to 8.67 acres; and, to reconfigure the Appian Way Road/Amber Hill intersection. The development still contains a total of 357,500 square feet of commercial and retail floor area as originally allowed (325,000 square feet on ten lots in B-5; 32,500 square feet on two lots in H-4).

LOCATION: Southeast of the intersection of South 84th Street and Highway 2.

WAIVER REQUESTS:

1. Eliminate the preliminary plat process.
2. Allow a cul-de-sac in excess of 1,000'.
3. Setbacks adjacent to outlots.
4. Sidewalk along Highway 2.
5. Transfer of sewage from one drainage basin to another.
6. Lot lines not at a right angle to the street.

LAND AREA: Approximately 53.52 acres.

CONCLUSION: This request revises the previously approved Appian Way Phase II development by allocating more area to B-5 while reducing the area in H-4. As before, the waivers are justified, and with minor revisions to the plan this request complies with the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:

Change of Zone #04039
Special Permit #2046A
Use Permit #150A

Approval
Conditional Approval
Conditional Approval

Waivers:

Special Permit #2046A:

- | | | |
|----|--------------------------------------------------------|----------|
| 1. | Eliminate the preliminary plat process. | Approval |
| 2. | Allow a cul-de-sac in excess of 1,000'. | Approval |
| 3. | Setbacks adjacent to outlots. | Approval |
| 4. | Sidewalk along Highway 2. | Approval |
| 5. | Transfer of sewage from one drainage basin to another. | Approval |
| 6. | Lot lines not at a right angle to the street. | Approval |

Use Permit #150A:

- | | | |
|----|--------------------------------------------------------|----------|
| 1. | Eliminate the preliminary plat process. | Approval |
| 2. | Allow a cul-de-sac in excess of 1,000'. | Approval |
| 3. | Setbacks adjacent to outlots. | Approval |
| 4. | Sidewalk along Highway 2. | Approval |
| 5. | Transfer of sewage from one drainage basin to another. | Approval |
| 6. | Lot lines not at a right angle to the street. | Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTIONS:

Change of Zone #04039 - See attached.

Special Permit #2046A - See attached.

Use Permit #150A - See attached.

EXISTING ZONING: H-4 General Commercial and B-5 Planned Regional Business

SURROUNDING LAND USE AND ZONING:

North:	Regional Shopping Center	B5
South:	Agriculture, Residential	AG
East:	Residential	AG & AGR
West:	Agriculture, Residential	AG & AGR

ASSOCIATED HISTORY: April 16, 2004 - The final plat of Appian Way Phase II Addition was approved creating 2 lots and eight outlots.

March 15, 2004 - , Annexation #03002, Change of Zone #3411, Special Permit #2046, and Use Permit #150 to allow 357,500 square feet of commercial and retail floor area (290,000 square feet on eight lots in B-5; 67,500 square feet on five lots in H-4).

November 5, 2001 - The annexation agreement covering the land on both sides of Highway 2 at South 91st Street was approved by the City Council.

November 5, 2001 - The preliminary plat and use permit for Appian Way (now Prairie Lakes) was approved by the City Council, north of Highway 2.

March 26, 2001 - The Southeast Lincoln/Highway 2 Subarea Plan was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F27 - Urban Growth Tiers - This site is within the City's Future Service Limit.

Page F95 - Bicycle and Trail Standards for Developing Areas - The Plan calls for the trail system to extend along both South 91st Street and the Omaha Public Power rail line.

Page F156 - Subarea Planning - Southeast Lincoln/Highway 2 Subarea Plan.

Southeast Lincoln/Highway 2 Subarea Plan:

Figure 2 - Designates office, service and residential transition uses for this site.

Page 9 - Promote a Desirable Entryway - Calls for a 400' wide open space corridor along this section of Highway 2.

Page 9 - Designates a regional shopping center at this location.

Page 10 - Commercial transition - Within commercial areas, office and lower intensity uses along with appropriate buffer areas should be developed as a transition to adjacent residential uses.

Page 13 - Entryway Corridor - To preserve the entryway corridor, the land use and transportation decisions are equally important as landscaping or architectural standards.

Page 57 - The Greenprint Challenge: Implementation Principles

-Obtain reasonably constrained regulations – Maintaining a balance between the natural and human built environment is always a delicate one. Planning policy and regulatory approaches employed in achieving the Plan's Vision and Greenprint Challenge should strive to be effective, tempered, pragmatic, circumscribed, and respectful of private property rights.

-Prevent the creation of a "wall-to-wall city" through the use of green space partitions – As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their on going maintenance.

-Establish effective incentives for natural resource feature preservation Securing the long term permanence of green space is a basic dilemma in natural resources planning. The use of "green space development incentives" (e.g., setting aside non-buildable areas, creating green space preserves, density bonuses) should be a primary consideration in implementing this Plan.

UTILITIES: All utilities are available to the site.

TRAFFIC ANALYSIS: The individual lots will be provided access with an internal private roadway system. The Subarea Plan shows the realigned South 84th and South 91st Streets as arterial streets. Highway 2 is also classified as an arterial street. The Capital Improvements Program (C.I.P.) currently identifies road improvements in South 84th Street in 2003-2004. South 91st Street for approximately 600' south of Highway 2 is to be built by the developer. The 1.9 million square feet of commercial floor area permitted by the Appian Way annexation agreement for the land on both sides of Highway 2 generate a certain number of vehicle trips which trigger road improvements addressed in the agreement. A total of 5,283 p.m. peak hour vehicle trips were allowed by the annexation agreement, with 1,239 of those trips assigned to this development.

ANALYSIS:

1. Appian Way Phase II with the associated waivers was approved on March 15, 2004 in largely the same configuration shown now. The approximate eastern one-half of the development has been final platted as part of Appian Way Phase II Addition.
2. As approved, there are two H-4 tracts included in Special Permit #2046 for planned service commercial (one at the west edge of the development and another at the east edge). This combined request is proposing to change the zoning on the western H-4 tract to B-5 and include it in Use Permit 150A which covers the B-5 area.
3. The proposed layout enlarges former Lot 1, Block 3, and changes the use from warehousing to hotel/motel. H-4 was originally required to allow the warehousing, but with the change in use it is no longer needed. The remaining H-4 is in excess of five acres and can stand alone. These combined applications are to provide a larger Lot 1, Block 3 to accommodate a hotel/motel.
4. The site plan includes a 20' easement for the bike trail. At the west end of the trail, it leaves the easement and is routed through Outlot F. The grading plan shows a small dam structure on Outlot F, and the trail is apparently routed over the top of it to provide

a suitable platform. The trail easement should be routed to follow the trail, and the final grading and trail location will be subject to approval by the Parks and Recreation Department.

5. The following minor corrections/additions to the plans are required:
 - a. The total floor area shown in the Land Use Table is actually 351,800, not 357,500 as shown.
 - b. A cumulative total for Net PM Trips added at the bottom of the column.
 - c. Required parking for hotels/motels under Parking Ratios revised to include "PLUS 1 SPACE PER 100 SQUARE FEET OF FLOOR AREA FOR ACCESSORY USES."
 - d. General Note #13 revised to reference only LMC Section 27.37.025, and by deleting "OR WAIVED BY CITY COUNCIL."
 - e. The correct legal and metes and bounds descriptions for both the B-5 use permit area and the H-4 special permit area.
 - f. The Waivers list revised to include: 6. LOT LINES NOT AT RIGHT ANGLES TO STREETS.

CONDITIONS:

Special Permit #2046A

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 The developer is responsible for grading the trail platform in conjunction with this development. The trail easement must be routed to follow the trail, with the final grading and trail location subject to approval by the Parks and Recreation Department.
 - 1.1.2 The floor areas in the Land Use Table revised for a total 357,500 square feet, or the total changed to 351,800 to reflect the amounts shown.
 - 1.1.3 A cumulative total for Net PM Trips added at the bottom of the column.
 - 1.1.4 Required parking for hotels/motels under Parking Ratios revised to include "PLUS 1 SPACE PER 100 SQUARE FEET OF FLOOR AREA FOR ACCESSORY USES."

- 1.1.5 General Note #13 revised to reference only LMC Section 27.37.025, and by deleting "OR WAIVED BY CITY COUNCIL."
 - 1.1.6 The correct legal and metes and bounds descriptions for both the B-5 use permit area and the H-4 special permit area.
 - 1.1.7 The Waivers list revised to include: 6. LOT LINES NOT AT RIGHT ANGLES TO STREETS.
- 2. This approval permits 32,500 square feet of commercial and retail floor area with waivers to the preliminary plat process, to allow a cul-de-sac in excess of 1,000', to reduce setbacks from 20' to 0' adjacent to outlots, to not require a sidewalk along Highway 2 and South 87th Street, to allow the transfer of sewage from one drainage basin to another, and to allow lots not at right angles to streets.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the Planning Director consistent with the approved use permit.

Standard:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Use Permit #150A

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

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 - 1.1.1 The developer is responsible for grading the trail platform in conjunction with this development. The trail easement must be routed to follow the trail, with the final grading and trail location subject to approval by the Parks and Recreation Department.
 - 1.1.2 The floor areas in the Land Use Table revised for a total 357,500 square feet, or the total changed to 351,800 to reflect the amounts shown.
 - 1.1.3 A cumulative total for Net PM Trips added at the bottom of the column.
 - 1.1.4 Required parking for hotels/motels under Parking Ratios revised to include "PLUS 1 SPACE PER 100 SQUARE FEET OF FLOOR AREA FOR ACCESSORY USES."
 - 1.1.5 General Note #13 revised to reference only LMC Section 27.37.025, and by deleting "OR WAIVED BY CITY COUNCIL."
 - 1.1.6 The correct legal and metes and bounds descriptions for both the B-5 use permit area and the H-4 special permit area.
 - 1.1.7 The Waivers list revised to include: 6. LOT LINES NOT AT RIGHT ANGLES TO STREETS.

2. This approval permits 325,000 square feet of commercial and retail floor area with waivers to the preliminary plat process, to allow a cul-de-sac in excess of 1,000', to reduce setbacks from 20' to 0' adjacent to outlots, to not require a sidewalk along Highway 2 and South 87th Street, to allow the transfer of sewage from one drainage basin to another, and lot lines not a right angles to streets.

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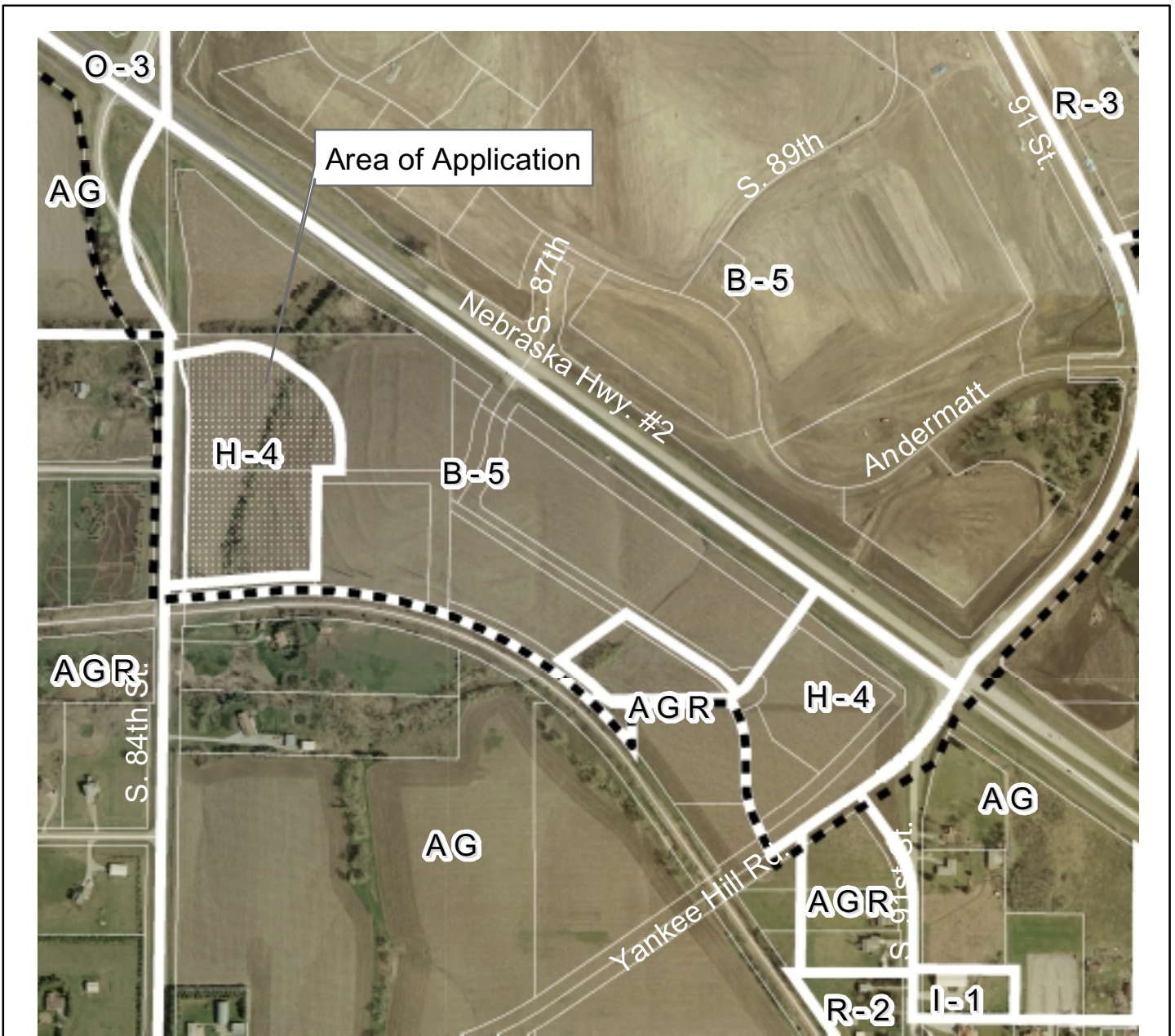
Prepared by:

Brian Will, AICP, 441-6362, bwill@ci.lincoln.ne.us
Planner
June 8, 2004

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Adams, NE 68301 432-8975

CONTACT: Al Jambor
HWS Consulting
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Lincoln, NE 68508

OWNER: Andermatt, LLC
RR#1, Box 93A
Adams, NE 68301

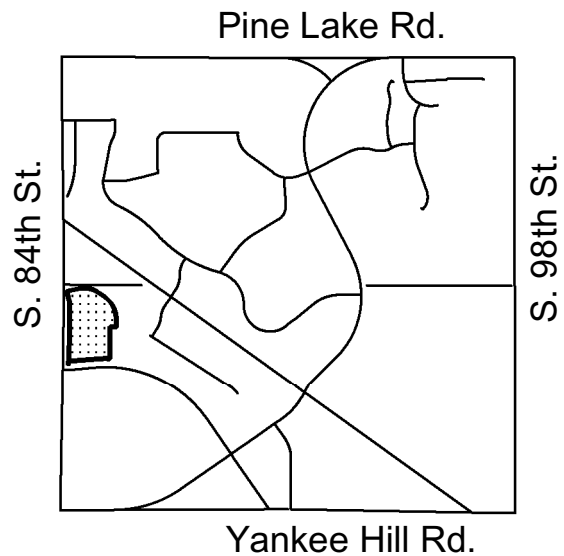
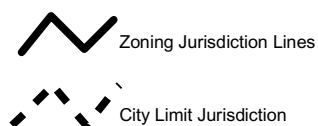


Change of Zone #04039 S 91st St. & Hwy #2

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

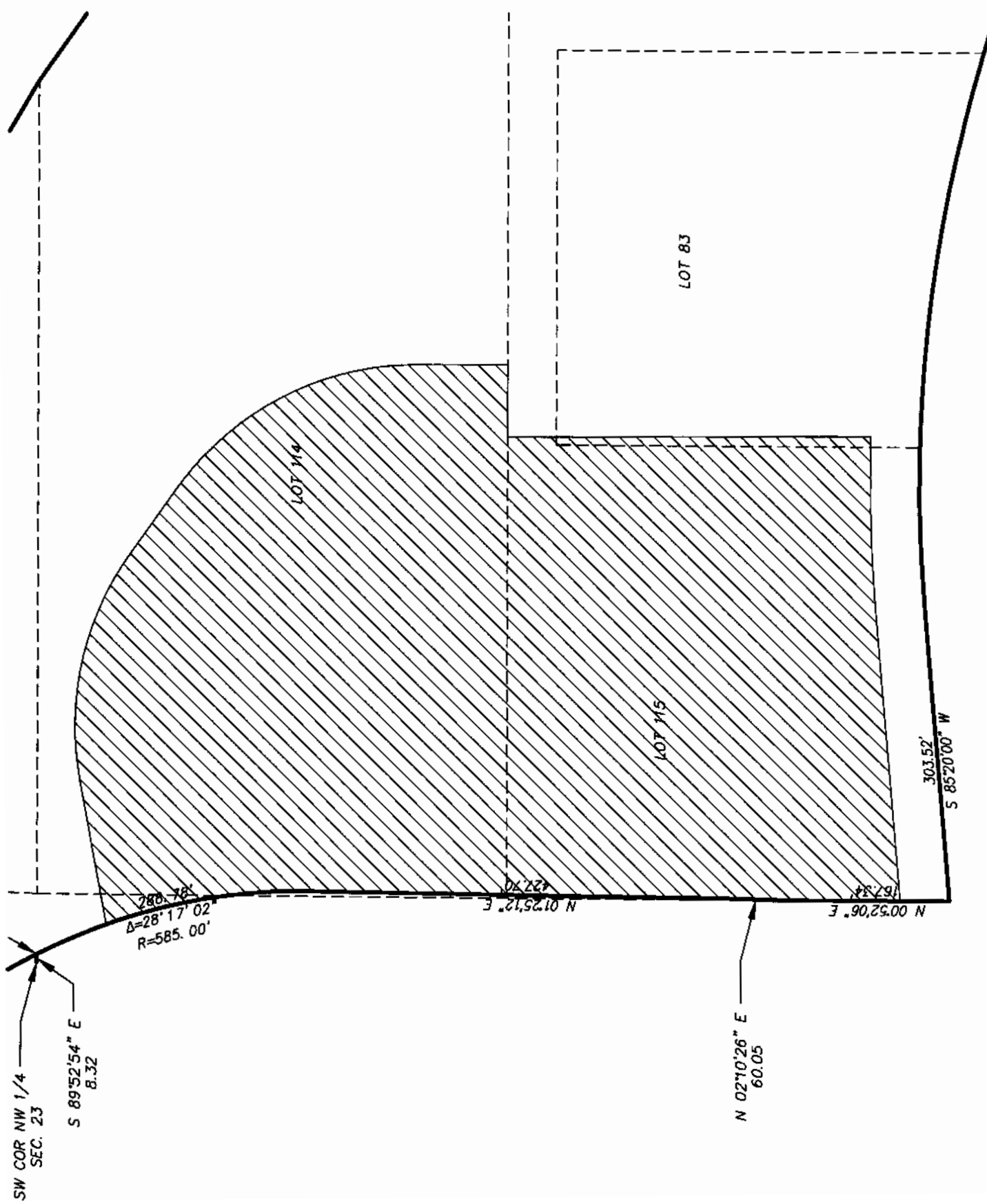
One Square Mile
Sec. 23 T09N R07E

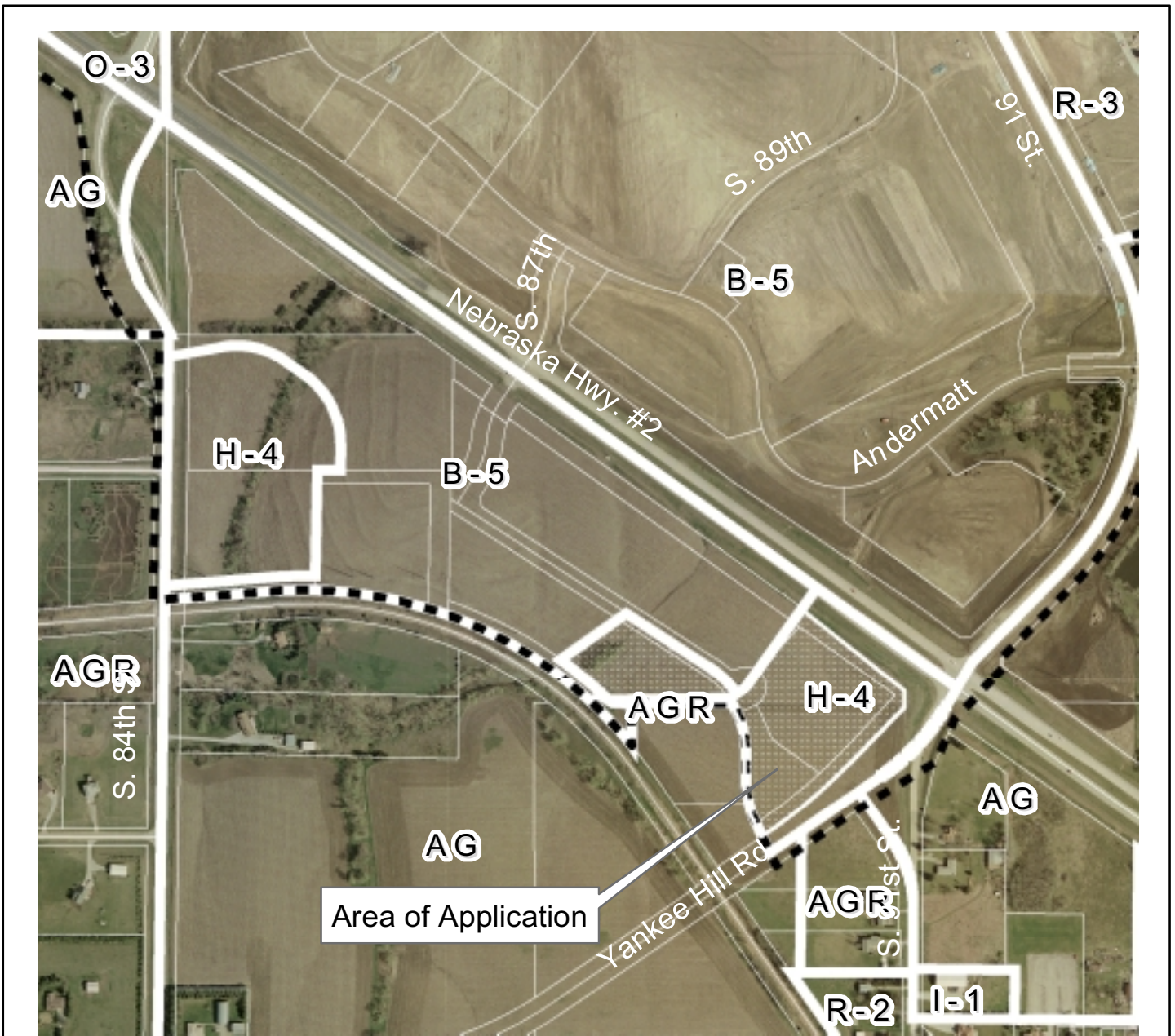


APPIAN WAY REGIONAL CENTER, PHASE 2
LEGAL DESCRIPTION
FOR WESTERLY H-4 TO B-5 ZONING CHANGE

A TRACT OF LAND COMPOSED OF A PART OF LOTS 83, 114 AND 115, IRREGULAR TRACTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID LOT 115, SAID POINT BEING LOCATED ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF 84TH STREET AND 70.00 EASTERLY OF, PERPENDICULAR MEASUREMENT, THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION 23; THENCE N 00°52'06" E ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 00° 52'06" E ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 117.10 FEET TO A CORNER OF SAID EASTERLY RIGHT OF WAY LINE; THENCE N 02°10'26" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.05 FEET; THENCE N 01° 25'12" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 427.70 FEET TO THE POINT OF CURVATURE OF A 585.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°25'33" AND ARC DISTANCE OF 86.03 FEET, THE CHORD OF SAID CURVE BEARS N 02°47'39" W, A DISTANCE OF 85.95 FEET TO A CORNER OF SAID LOT 114; THENCE CONTINUING NORTHERLY ALONG THE FUTURE EASTERLY RIGHT-OF-WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°19'46" AND ARC DISTANCE OF 125.88 FEET, THE CHORD OF SAID CURVE BEARS N 13°10'18" W, A DISTANCE OF 125.64 FEET; THENCE N 79°35'14" E, A DISTANCE OF 150.77 FEET TO THE POINT OF CURVATURE OF A 300.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 45°41'48" AND ARC DISTANCE OF 239.27 FEET, THE CHORD OF SAID CURVE BEARS S 77°33'52" E, A DISTANCE OF 232.98 FEET; THENCE S 54°42'58" E, A DISTANCE OF 83.46 FEET TO THE POINT OF CURVATURE OF A 300.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 54°56'08" AND ARC DISTANCE OF 287.64 FEET, THE CHORD OF SAID CURVE BEARS S 27°14'54" E, A DISTANCE OF 276.75 FEET; THENCE S 00°13'10" W, A DISTANCE OF 94.48 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 114; THENCE N 89°46'50" W, ALONG THE SOUTHERLY LINE OF SAID LOT 114, A DISTANCE OF 73.74 FEET; THENCE S 00°22'01" W, A DISTANCE OF 372.97 FEET TO THE POINT OF CURVATURE OF A 1544.43 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°37'11" AND ARC DISTANCE OF 178.44 FEET, THE CHORD OF SAID CURVE BEARS S 88°38'35" W, A DISTANCE OF 178.34 FEET; THENCE S 85°20'00" W, A DISTANCE OF 298.67 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 389,611.56 SQUARE FEET (8.94 ACRES) MORE OR LESS.



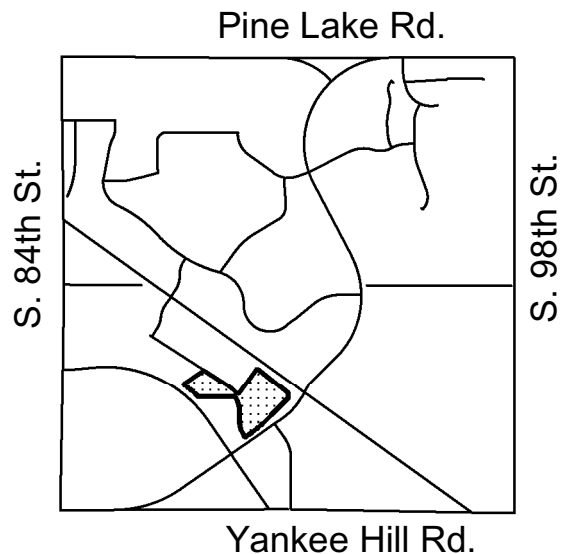
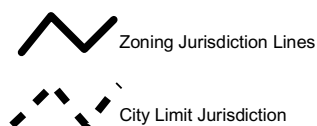


Special Permit #2046A S 91st St. & Hwy #2

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 23 T09N R07E



**APPIAN WAY REGIONAL CENTER, PHASE 2
SPECIAL PERMIT LEGAL DESCRIPTION
FOR EASTERLY H-4 ZONING**

A TRACT OF LAND COMPOSED OF A PART OF OUTLOT A, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, A PART OF OUTLOT C, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, ALL OF OUTLOT D, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, AND ALL OF LOTS 1 AND 2, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT 1 LOCATED ON THE NORTHERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23, SAID POINT ALSO BEING ON THE EXISTING WESTERLY SOUTH 91ST STREET 33.00 FOOT RIGHT-OF-WAY LINE; THENCE S 00°12'37" W ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 4.62 FEET TO THE NORTHERLY YANKEE HILL ROAD RIGHT OF WAY LINE; THENCE S 44°20'31" W ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 285.77 FEET TO THE POINT OF CURVATURE OF A 1935.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°58'31" AN ARC DISTANCE OF 370.66 FEET, THE CHORD OF SAID CURVE BEARS S 49°49'48" W, A DISTANCE OF 370.09 FEET; THENCE S 55°18'59" W ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 31.13 FEET TO THE SOUTHEAST CORNER OF LOT 105, IRREGULAR TRACT; THENCE N 24°41'05" W ALONG THE EASTERLY LINE OF SAID LOT 105, A DISTANCE OF 76.15 FEET TO THE POINT OF CURVATURE OF A 283.00 FOOT RADIUS CURVE CONCAVE TO THE EAST; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 105 AND THE EASTERLY LINE OF LOT 106, IRREGULAR TRACT, AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°39'05" AN ARC DISTANCE OF 121.76 FEET, THE CHORD OF SAID CURVE BEARS N 12°21'32" W, A DISTANCE OF 120.82 FEET; THENCE N 00°02'00" W ALONG THE EASTERLY LINE OF SAID LOT 106, A DISTANCE OF 109.79 FEET TO THE POINT OF CURVATURE OF A 331.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 106 AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°18'58" AN ARC DISTANCE OF 198.25 FEET, THE CHORD OF SAID CURVE BEARS N 17°11'29" W, A DISTANCE OF 195.30 FEET TO THE SOUTHERLY LINE OF AN EXISTING LINCOLN ELECTRIC SYSTEM TRANSMISSION LINE EASEMENT RECORDED AS INSTRUMENT NUMBER 95-12607 AT THE LANCASTER COUNTY REGISTER OF DEEDS; THENCE S 89°01'14" W ALONG SAID EASEMENT LINE, A DISTANCE OF 421.42 FEET TO THE POINT OF CURVATURE OF A 1544.43 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°29'28" AN ARC DISTANCE OF 228.88 FEET, THE CHORD OF SAID CURVE BEARS N 49°41'49" W, A DISTANCE OF 228.67 FEET; THENCE N 54°44'21" E, A DISTANCE OF 284.85 FEET; THENCE S 57°04'22" E, A DISTANCE OF 349.77 FEET TO THE POINT OF CURVATURE OF A 369.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°15'29" AN ARC DISTANCE OF 137.09 FEET, THE CHORD OF SAID CURVE BEARS S 46°26'38" E, A DISTANCE OF 136.31 FEET; THENCE N 56°35'33" E, A DISTANCE OF 36.02 FEET; THENCE N 35°32'47" E, A DISTANCE OF 346.74 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY NO. 2; THENCE S 51°36'51" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 463.01 FEET TO THE WESTERLY SOUTH 91ST STREET RIGHT OF WAY LINE, SAID LINE BEING LOCATED 33.00 FEET WESTERLY OF, PERPENDICULAR MEASUREMENT, AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER SECTION; THENCE S 00°12'24" W ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 53.68 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 377,507.26 SQUARE FEET (8.67 ACRES) MORE OR LESS.

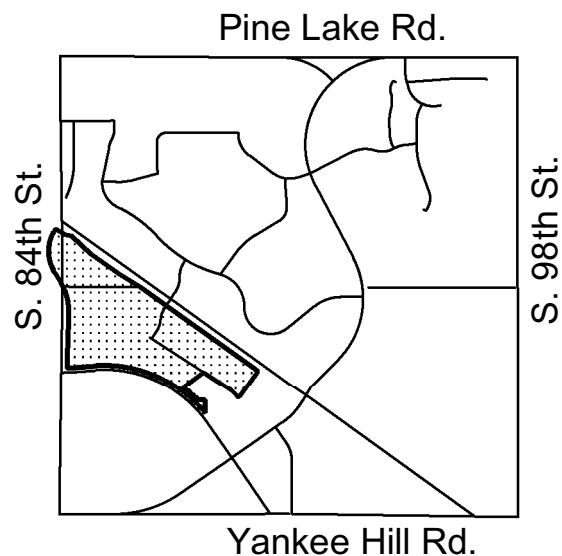
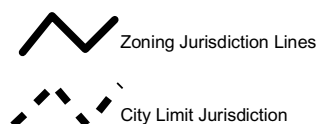


Use Permit #150a S 91st St. & Hwy #2

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B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 23 T09N R07E



**APPIAN WAY REGIONAL CENTER, PHASE 2
USE PERMIT LEGAL DESCRIPTION
FOR B-5 ZONING**

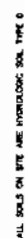
A TRACT OF LAND COMPOSED OF ALL OF LOTS 83, 114 AND 115, IRREGULAR TRACTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, A PART OF OUTLOT A, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, ALL OF OUTLOT B, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, A PART OF OUTLOT C, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, ALL OF OUTLOTS E, F, G AND H, APPIAN WAY REGIONAL CENTER PHASE 2 ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, ALL OF LOT 81, IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23 AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, ALL IN TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER SECTION 23; THENCE S 89°52'54" E, ASSUMED BEARING, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION A DISTANCE OF 8.32 FEET TO THE FUTURE EASTERLY RIGHT OF WAY LINE OF SOUTH 84TH STREET AND THE POINT OF BEGINNING, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A 585.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE NORTHWESTERLY ALONG SAID FUTURE EASTERLY RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°19'51" AN ARC DISTANCE OF 54.43 FEET, THE CHORD OF SAID CURVE BEARS N 29°31'49" W, A DISTANCE OF 54.41 FEET; THENCE N 32° 11'45" W ALONG SAID FUTURE EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 136.19 FEET TO THE POINT OF CURVATURE OF A 465.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE NORTHERLY ALONG SAID FUTURE EASTERLY RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°50'15" AN ARC DISTANCE OF 39.26 FEET, THE CHORD OF SAID CURVE BEARS N 29°46'38" W, A DISTANCE OF 39.25 FEET; THENCE N 62°38'30" E ALONG SAID FUTURE EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO A POINT ON A 460.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE NORTHERLY ALONG SAID FUTURE EASTERLY RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°22'59" AN ARC DISTANCE OF 452.67 FEET, THE CHORD OF SAID CURVE BEARS N 00°49'59" E, A DISTANCE OF 434.63 FEET; THENCE N 29°01'29" E ALONG SAID FUTURE EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 39.29 FEET TO THE INTERSECTION WITH THE FUTURE SOUTHERLY NEBRASKA HIGHWAY NO. 2 RIGHT OF WAY LINE; THENCE S 58°04'03" E ALONG SAID FUTURE SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 125.63 FEET TO AN INTERSECTION OF THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY NO. 2 AND THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE; THENCE S 74°45'16" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 74.68 FEET; THENCE S 48°10'50" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 301.81 FEET; THENCE S 54°27'15" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE S 58°59'08" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 290.85 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE S 54°27'18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1615.21 FEET; THENCE S 51°36'51" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 43.11 FEET; THENCE S 35° 32'47" W, A DISTANCE OF 346.74 FEET; THENCE S 56°35'33" W, A DISTANCE OF 36.02 FEET TO THE POINT OF CURVATURE OF A 369.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°15'29" AN ARC DISTANCE OF 137.09 FEET, THE CHORD OF SAID CURVE BEARS N 46° 26'38" W, A DISTANCE OF 136.31 FEET; THENCE N 57°04'22" W, A DISTANCE OF

APPIAN WAY REGIONAL CENTER, PHASE 2
USE PERMIT LEGAL DESCRIPTION
FOR B-5 ZONING

349.77 FEET; THENCE S 54°44'21" W, A DISTANCE OF 284.85 FEET TO THE POINT OF CURVATURE OF A 1544.43 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH; THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°29'28" AN ARC DISTANCE OF 228.88 FEET, THE CHORD OF SAID CURVE BEARS S 49°41'49" E, A DISTANCE OF 228.67 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING LINCOLN ELECTRIC SYSTEM TRANSMISSION LINE EASEMENT RECORDED AS INSTRUMENT NUMBER 95-12607 AT THE LANCASTER COUNTY REGISTER OF DEEDS; THENCE S 89°01'14" W ALONG SAID EASEMENT LINE, A DISTANCE OF 10.53 FEET; THENCE S 59°00'27" E A DISTANCE OF 22.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER SECTION 23; THENCE N 89°58'00" E ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 67.89 FEET; THENCE S 00°02'00" E A DISTANCE OF 146.74 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE OMAHA PUBLIC POWER DISTRICT'S RAILROAD LINE AND THE POINT OF CURVATURE OF A 1494.43 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°34'19" AN ARC DISTANCE OF 1449.47 FEET, THE CHORD OF SAID CURVE BEARS N 66°52'50" W, A DISTANCE OF 1393.32 FEET; THENCE S 85°20'00" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 303.52 FEET TO THE EXISTING EASTERLY RIGHT OF WAY LINE OF 84TH STREET, SAID POINT LOCATED 70.00 EASTERLY OF, PERPENDICULAR MEASUREMENT, THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION 23; THENCE N 00°52'06" E ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 167.34 FEET TO A CORNER OF SAID EASTERLY RIGHT OF WAY LINE; THENCE N 02°10'26" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.05 FEET; THENCE N 01°25'12" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 427.70 FEET TO THE POINT OF CURVATURE OF A 585.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°25'33" AND ARC DISTANCE OF 86.03 FEET, THE CHORD OF SAID CURVE BEARS N 02°47'39" W, A DISTANCE OF 85.95 FEET TO A CORNER OF SAID LOT 115; THENCE CONTINUING NORTHERLY ALONG THE FUTURE EASTERLY RIGHT-OF-WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°51'29" AND ARC DISTANCE OF 202.75 FEET, THE CHORD OF SAID CURVE BEARS N 16°56'10" W, A DISTANCE OF 201.74 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION AND THE POINT OF BEGINNING, CONTAINING AN AREA OF 1,953,951.67 SQUARE FEET (44.86 ACRES) MORE OR LESS.

1/2



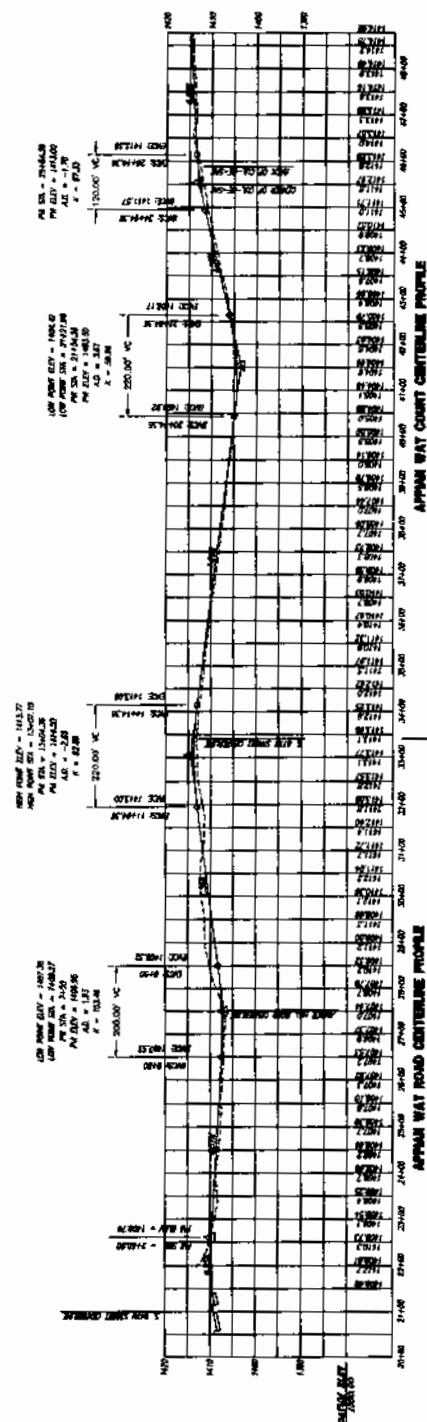
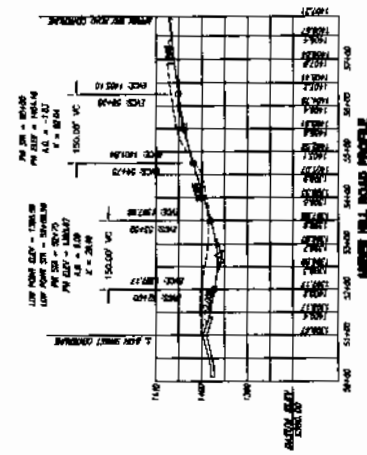
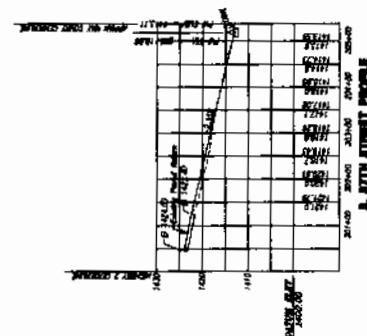
SUBAREA	AREA (ACRES)	RECEIVED CLUMP NUMBER	TIME OF CONCENTRATION (HOURS)
A1	24.02	84	0.23
A2	40.38	87	0.45
A3	23.28	86	0.46
B1	10.17	92	0.37
B2	1.05	86	0.32
C1	79.21	89	0.50

APPIAN WAY REGIONAL CENTER PHASE II

STREET PROFILES

87TH A HWY 2 DEVELOPMENT - LINCOLN, NEBRASKA
USE PERMIT AND SPECIAL PERMIT SITE PLAN

LOCAL OFFICE
LINCOLN, NE
DATE: 10/15/2010
BY: [Signature]



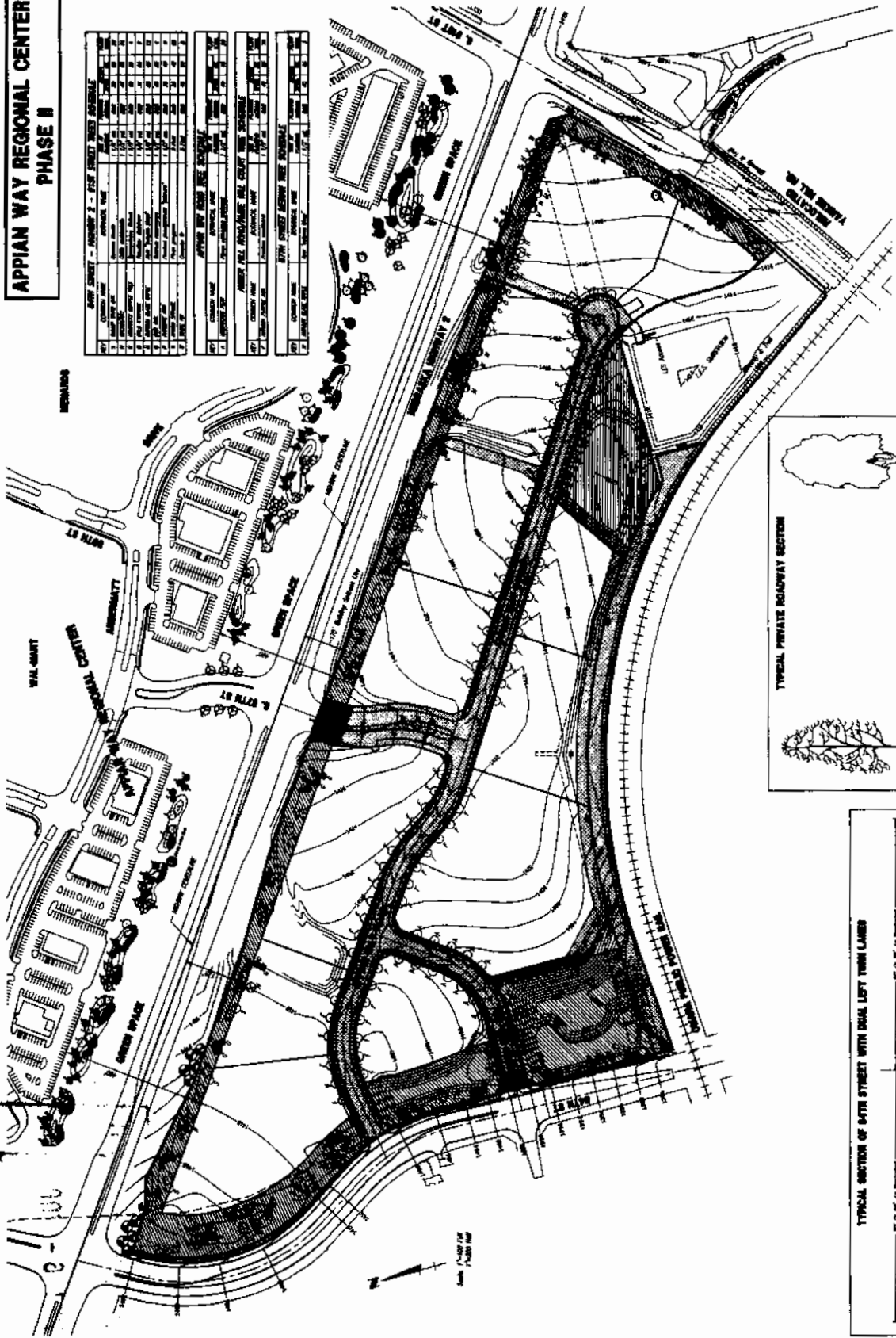
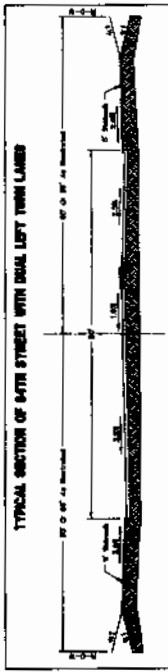
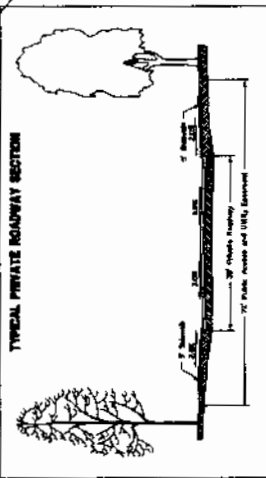
APPIAN WAY ROAD CENTERLINE PROFILE

APPIAN WAY ROAD CENTERLINE PROFILE

APPIAN WAY REGIONAL CENTER PHASE II

APPIAN STREET - PHASE II - EAST STREET WEST SIDEWALK			
NO.	PLANT	QUANTITY	REMARKS
1	SPRING BLOSSOM	10	PLANT
2	SPRING BLOSSOM	10	PLANT
3	SPRING BLOSSOM	10	PLANT
4	SPRING BLOSSOM	10	PLANT
5	SPRING BLOSSOM	10	PLANT
6	SPRING BLOSSOM	10	PLANT
7	SPRING BLOSSOM	10	PLANT
8	SPRING BLOSSOM	10	PLANT
9	SPRING BLOSSOM	10	PLANT
10	SPRING BLOSSOM	10	PLANT
11	SPRING BLOSSOM	10	PLANT
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13	SPRING BLOSSOM	10	PLANT
14	SPRING BLOSSOM	10	PLANT
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97	SPRING BLOSSOM	10	PLANT
98	SPRING BLOSSOM	10	PLANT
99	SPRING BLOSSOM	10	PLANT
100	SPRING BLOSSOM	10	PLANT

LEGEND
EXISTING TREES PLANTED ALONG HWY 2
NEW
EXISTING TREE MASSES



Memo



To: Brian Will, Planning Department

From: Mark Canney, Parks & Recreation

Date: June 8, 2004

Re: Applan Way Phase II (Revised)

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. The Bikeway trail illustrated within Outlot E and along the east side of relocated Yankee Hill Road to be constructed by the City. The developer is responsible for grading the trail platform in conjunction with the adjacent developer/property owner(s).
2. The Parks Department will verify grading of trail and platform and notify developer and/or developer's engineer if changes are required.
3. The Parks Department will work with Lincoln Electric System regarding the portion of the trail that runs through the substation site.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will

DATE: June 8, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Appian Way Phase II
SP #2046A, CZ #04039
UP #150A

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following items noted:

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.